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JOHNNY HENDERSON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHNNY HENDERSON,

Plaintiff,

v.

SEARS HOLDINGS CORPORATION an
Illinois corporation; and DOES 1 through
20 inclusive,

Defendant.

Case No. C 11 03191 MEJ

**STIPULATION TO EXTEND EARLY
NEUTRAL EVALUATION DEADLINE
AND ~~PROPOSED~~ ORDER**

Pursuant to Northern District A.D.R. Local Rule 5-5, Plaintiff Johnny Henderson (“Plaintiff”) and Defendant Sears Holdings Corporation (“Defendant”) (collectively the “Parties”) hereby stipulate to request an extended deadline to complete Early Neutral Evaluation (“ENE”) in this case. This stipulation is based on the following:

a. The Court ordered the Parties to complete the ENE by December 28, 2011 (the “ENE Deadline”).

b. In their November 18, 2011 initial conference call with the Steven J. Saltiel, the appointed Evaluator, the Parties and the Evaluator agreed, that it may be reasonable and necessary to extend the ENE deadline. Among other reasons, the Parties believe that the ENE will be more effective after Plaintiff’s deposition, which is scheduled for December 15, 2011. There were no dates between December 15, 2011 and December 28, 2011 when all of the parties, their counsel, and the Evaluator were available to hold an ENE.

c. The Parties, their counsel and the Evaluator are available and have agreed to hold the ENE on January 19th or 20th, 2012.

d. The Parties seek to extend the ENE deadline to February 28, 2012 to allow the Parties sufficient time to conduct a meaningful evaluation on January 19th or 20th and to allow for a potential follow up session, if necessary.

Dated: November 29, 2011

/s/ Roderick P. Bushnell

RODERICK P. BUSHNELL
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Attorneys for Plaintiff
JOHNNY HENDERSON

Dated: November 29, 2011

/s/ Oswald B. Cousins


OSWALD B. COUSINS
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SEARS HOLDING CORPORATION

~~PROPOSED~~ ORDER

The Stipulation of the Parties is hereby adopted by the Court as setting the Parties' Early Neutral Evaluation deadline as February 28, 2012.

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED.

DATED: November 29, 2011



Hon. Mari-Elisa James
United States District Magistrate Judge

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